
STATUTORY INSTRUMENTS

1995 No. 755 (N.I. 2)

NORTHERN IRELAND

The Children (Northern Ireland) Order 1995

*Made - - - - 15th March 1995
Coming into operation on days to be appointed
under Article 1(2)*

THE CHILDREN (NORTHERN IRELAND) ORDER 1995

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Status: This is the original version (as it was originally made).

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Orders for financial relief for persons over 18

3. (1) If, on an application by a person who has...

Duration of orders for financial relief

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Variation, etc., of orders for periodical payments

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Variation of orders for secured periodical payments after death of parent

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Financial relief under other statutory provisions

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Interim orders

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Alteration of maintenance agreements

12. (1) In this paragraph and in paragraph 13 “maintenance agreement”...

13. (1) Where a maintenance agreement provides for the continuation, after...

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14. (1) Any person for the time being under an obligation...

Direction for settlement of instrument by conveyancing counsel

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Contribution by an authority to child's maintenance

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Provision of information

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Maintenance of register of disabled children

3. (1) Every authority shall open and maintain a register of...

Assessment of children's needs

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Prevention of neglect and abuse

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Provision of accommodation for another person to protect child

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Services for disabled children

7. Every authority shall provide services designed— (a) to minimise the...

Steps to reduce need for care proceedings, etc.

8. Every authority shall take reasonable steps designed—

Provision for children living with their families

9. Every authority shall make such provision as the authority considers...

Family centres

10. (1) Every authority shall provide such family centres as the...

Maintenance of the family home

11. Every authority shall take such steps as are reasonably practicable,...

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Duty to consider racial groups to which children in need belong

12. Every authority shall, in making any arrangements—

SCHEDULE 3 — SUPERVISION ORDERS

Meaning of “responsible person”

1. In this Schedule, “the responsible person”, in relation to a...

Power of supervisor to give directions to supervised child

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Imposition of obligations on responsible person

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Psychiatric and medical examinations

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Psychiatric and medical treatment

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Life of supervision order

6. (1) Subject to sub-paragraph (2) and Article 179 (effect and...

Information to be given to supervisor, etc.

7. (1) A supervision order may require the supervised child—

Selection of supervisor

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Effect of supervision order on earlier orders

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3. (1) Where an education supervision order is in force with...

Effect where child also subject to other orders

4. (1) This paragraph applies where— (a) an education supervision order;...

Duration of orders

- (1) An education supervision order shall have effect for a...

Information to be given to supervisor, etc.

- (1) An education supervision order may require the child—

Discharge of orders

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The usual fostering limit

- Subject to what follows, a person shall not foster more...

Siblings

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Exemption by an authority

- (1) A person may exceed the usual fostering limit if...

Effects of exceeding fostering limit

- (1) A person shall cease to be treated as fostering...

Complaints, etc.

- (1) Every authority shall establish a procedure for considering any...

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- (1) In Part II of the Administration of Estates Act...

Dispositions of property

- (1) In the following dispositions, namely— (a) dispositions inter vivos...

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No special protection for trustees and personal representatives

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Entitlement to grant of probate, etc.

4. (1) For the purpose of determining the person or persons...

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General

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— CUSTODY ORDERS, ETC.

Cessation of declarations of unfitness, etc.

3. Where, immediately before the commencement of Parts II and III,...

Orders to which paragraphs 5 to 10 apply

4. (1) In paragraphs 5 to 10 “an existing order” means...

Parental responsibility of parents

5. (1) Where— (a) a child’s father and mother were married...

Persons who are not parents but who have custody or care and control

6. (1) Where a person who is not the parent or...

Persons who have care and control

7. (1) Sub-paragraphs (2) to (6) apply where a person has...

Persons who have access

8. (1) Sub-paragraphs (2) to (4) apply where a person has...

Enforcement of certain existing orders

9. (1) Sub-paragraph (2) applies in relation to any existing order...

Discharge of existing orders

10. (1) The making of a residence order or care order...
— CHILDREN IN CARE

Children in compulsory care

11. (1) Sub-paragraph (2) applies where, immediately before the commencement of...
12. (1) This sub-paragraph applies to a child who has been...

Cessation of wardship where child is in care

13. (1) Where a child who is a ward of court...

Children placed with parent, etc., while in compulsory care

14. (1) This paragraph applies where a child is deemed by...

Children in voluntary care

15. (1) This paragraph applies where, immediately before the commencement of...

Boarded out children

16. (1) Where, immediately before the commencement of Part IV, a...

Children in care to qualify for advice and assistance

17. Any reference in Part IV to a person qualifying for...

Emigration of children in care

18. Where the Head of the Department is considering whether to...

Contributions for maintenance of children in care

19. (1) Where, immediately before the commencement of Part IV, there...

Supervision orders

Orders under the 1968 Act

20. (1) This paragraph applies to any supervision order made under...
21. (1) This paragraph applies to any supervision order made under...

Other supervision orders

22. (1) This paragraph applies to any order for the supervision...

Place of safety orders

23. (1) This paragraph applies to— (a) any order or warrant...

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Voluntary homes

24. (1) This paragraph applies to a voluntary home which is...

Foster children

25. (1) This paragraph applies where— (a) immediately before the commencement...

Child minders

26. (1) Sub-paragraph (2) applies where, immediately before the commencement of...

Guardians

Existing guardians to be guardians under this Order

27. (1) Any appointment of a person as guardian for a...

Appointment of guardian not yet in effect

28. Any appointment of a person to be a guardian of...

Children accommodated in certain establishments

29. In calculating, for the purposes of Article 174(1)(a) or (2)(a)...

Training school orders

30. (1) This paragraph applies where, immediately before the commencement of...

Miscellaneous

Marriage consents

31. (1) In the circumstances mentioned in sub-paragraph (2), section 1...

Affiliation orders, etc.

32. (1) This paragraph applies to the following orders—

Property rights where parents not married to each other

33. (1) In this paragraph “the 1977 Order” means the Family...

Attendance of child before court

34. Section 170 of the Children and Young Persons Act (Northern...

Employment of children

35. (1) This paragraph (which in effect re-enacts a saving relating...

Saving for certain amendments of 1968 Act

36. Notwithstanding the repeal by this Order of Part I of...

SCHEDULE 9 — AMENDMENTS

The Offences Against the Person Act 1861 (c. 100)

1. In section 53 (abduction with intent of girl under 18...
2. In section 55 (abduction of girl under 16 from parent...

The Criminal Law Amendment Act 1885 (c. 69)

3. In section 7 (abduction with intent of girl under 18...
4. In section 10 (power of search for woman or girl...

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

5. In section 4A(3) (variation and revocation of maintenance orders)—
6. In section 11 (application to Ireland)— (a) immediately before paragraph...

The Employment of Women, Young Persons, and Children Act 1920 (c. 65)

7. In section 1(6)(a) (restrictions on employment in industrial undertakings)—

The Legitimacy Act (Northern Ireland) 1928 (c. 5)

8. After section 8 (provisions as to persons legitimated by extraneous...

The Children and Young Persons Act (Northern Ireland) 1950 (c. 5)

9. In section 13(3) (amendments of the Criminal Law Amendment Act...

The Marriages Act (Northern Ireland) 1954 (c. 21)

10. In section 1 (consent to marriage of minors)—
11. In section 2 (order dispensing with consent)—
12. In section 6 (interpretation)— (a) in subsection (1), insert before...

The Administration of Justice Act 1960 (c. 65)

13. In Schedule 2, in the entry relating to section 12,...

The Legitimacy Act (Northern Ireland) 1961 (c. 5)

14. (1) In subsection (1) of section 2 (legitimacy of children...

The Factories Act (Northern Ireland) 1965 (c. 20)

15. In section 176(1) (interpretation), in the definition of “parent”, for...

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)

16. In section 10(2) (orders to which Part II applies), after...
17. In section 13 (variation of orders), for subsection (3) substitute...

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

18. In section 20 (cruelty to persons under 16)—

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19. In section 21(1) (causing or encouraging seduction or prostitution of...
20. In section 23 (allowing children or young persons to be...
21. In section 24 (causing or allowing persons under 16 to...
22. In section 29(1) (exposing children under 12 to risk of...
23. In section 33(2) (mode of charging offences), for the words...
24. For section 35 (notification of Department as to proceedings under...
25. For section 36 (interpretation of Part II) substitute the following...
26. In section 48 (general considerations), for the words from “,...
27. In section 52 (attendance at court of parents of child...
28. For section 53 (notices of charges against and applications relating...
29. In section 55(1) (power to clear court while child or...
30. In section 56 (form of oath for use in juvenile...
31. In section 59(1) (power to prohibit publication of certain matter...
32. In section 68 (restrictions on newspaper and broadcast reports of...
33. In section 81 (general provisions as to supervision orders), for...
34. In section 88(3) (conveyance of children or young persons to...
35. In section 89 (supervision and recall after expiration of order)—...
36. In section 90 (extension of period of detention in training...
37. In section 91(4) (provisions as to making, duration and effect...
38. For section 96(1) (powers of other courts), substitute the following...
39. For section 97(3) (power of probation officer, etc., to bring...
40. In section 101(3) (provisions supplemental to section 100) for “or...
41. After section 132 (provision of remand homes) insert the following...
42. In section 137 (approval of training schools), after subsection (5)...
43. In section 141 (effect of training school order where certain...
44. In section 142 (general provisions as to children and young...
45. In section 143 (variation and discharge of orders committing children...
46. In section 144(2) (escapes from care of fit persons)—
47. In section 145 (return to family of persons committed to...
48. For section 147 (acquisition of land) and section 147A (power...
49. In section 148 (expenses)— (a) for “Parliament” substitute “the Parliament...
50. In section 151 (grants for training in child care)—
51. In section 163 (duty of police to notify Department in...
52. For section 167 (inquiries and investigations) and section 168 (power...
53. In section 180(1) (interpretation)— (a) after the definition of “the...
54. In Schedule 1 (offences against children and young persons with...
55. In Schedule 3 (supervision orders), at the end of paragraph...
56. In Schedule 4 (Appeal Tribunals)— (a) in paragraph 1 for...
57. In Schedule 5 (provisions as to administration of training schools...

The Mines Act (Northern Ireland) 1969 (c. 6)

58. In section 158(1) (interpretation), in the definition of “parent”, for...

The Adoption (Hague Convention) Act (Northern Ireland) 1969 (c. 22)

59. In section 4(3) (definition of “foreign adoption”), for “section 4(3)...
60. In section 5 (recognition of foreign determinations in adoption proceedings)
—...
61. In section 7(4) (certain supplementary provisions), in the definition of...
62. In section 8(4) (registration), for “section 30 of the Births...
63. In section 9(1) (nationality), for “section 9(1) of the Adoption...
64. In section 12 (interpretation), in the definition of “United Kingdom...

The Civil Evidence Act (Northern Ireland) 1971 (c. 36)

65. (1) Section 8 (which relates to the admissibility in civil...

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

66. In section 3 (power to make provisional maintenance order), for...
67. In section 5 (variation and revocation of maintenance order made...
68. In section 8 (enforcement of maintenance order registered in United...
69. In section 9 (variation and revocation of maintenance order registered...
70. In section 17 (proceedings in magistrates' courts), for subsection (6)...
71. In section 18 (magistrates' courts rules), after subsection (2) insert...
72. For sections 28C, 29 and 29A substitute the following sections—...
73. In section 33 (enforcement of orders), in subsection (3) for...
74. (1) In section 34 (variation and revocation of orders), in...
75. For section 35A substitute the following section— Further provisions with...
76. In section 36 (admissibility of evidence given in convention country),...
77. (1) In section 38A, after subsection (3) add the following...

The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)

78. In Article 2(2) (interpretation)— (a) in the definition of “parent”,...
79. In Article 52 (powers of Department in emergency), for paragraph...
80. In Article 54 (inquiries), for “the health and personal social...
81. In Article 87 (expenses of Boards, etc.), for paragraphs (2)...
82. In Article 100 (liability to maintain spouse and children), for...

The Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14)

83. In Article 2 (interpretation)— (a) in paragraph (2), after the...
84. For Article 14 substitute the following Article— Registration of father...
85. In Article 18 (re-registration of births)— (a) in paragraph (1),...
86. In Article 19(3)(c) (re-registration of births of legitimated persons), after...
87. After Article 19 insert the following Article— Re-registration after declaration...
88. In Article 37(7) (qualified applicant for registration or alteration of...

The Family Law Reform (Northern Ireland) Order 1977 (NI 17)

89. In Article 8 (power of court to require use of...

The Judicature (Northern Ireland) Act 1978 (c. 23)

90. In section 26 (wards of court), after subsection (2) insert...
91. In section 29(2)(c) (co-ordination of exercise of jurisdiction in relation...
92. In section 35(2)(g)(i) (leave not required for appeal to Court...

The Matrimonial Causes (Northern Ireland) Order 1978 (NI 15)

93. In Article 2(2) (interpretation)— (a) in the definition of “child”,...
94. In Article 29 (financial provision orders in case of neglect...
95. For Article 44 (restrictions on decrees for dissolution, annulment or...
96. In Article 48(9) (provision for appeals to Court of Appeal),...
97. In Schedule 1 (proceedings in divorce, etc., stayed by reference...
98. In paragraph 11(3) of that Schedule, for “the custody of...

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The Rehabilitation of Offenders (Northern Ireland) Order 1978 (NI 27)

- 99. In Article 6(11)(b) (rehabilitation periods for particular sentences), for “care...
- 100. In Article 8(2) (limitations on rehabilitation under that Order), for...

The Domestic Proceedings (Northern Ireland) Order 1980 (NI 5)

- 101. In Article 2(2) (interpretation)— (a) in the definition of “child”,...
- 102. For Article 10 (orders for the custody of, or access...
- 103. In Article 20(3A)(b) (interim maintenance orders, etc.), for “paragraphs (2)...
- 104. In Article 22 (variation, revival and revocation of orders for...
- 105. After Article 22A insert the following Article— Revival of orders...
- 106. In Article 25(1) (supplementary provisions with respect to variation and...
- 107. (1) In Article 27 (effect on certain orders of parties...
- 108. In Article 31(5) (appeals), for “Articles 16(3), 22 and 23”...
- 110. In Article 39 (provisions as to payments required to be...

The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)

- 111. In Schedule 1 (proceedings for which legal aid may be...

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

- 112. In Article 85 (orders for periodical payment: means of payment),...
- 113. In Article 88 (nature of domestic proceedings), after paragraph (de)...
- 114. In Article 98(11) (enforcement of orders for the periodical payment...
- 115. In Article 101 (attachment of earnings order), in paragraph (2)...

The Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 116. In section 5 (recognition and enforcement of maintenance orders), in...
- 117. (1) In section 36 (registration of maintenance orders), in subsection...

The Fines and Penalties (Northern Ireland) Order 1984 (NI 3)

- 118. In Schedule 2 (provisions creating offences for which fine is...

The Surrogacy Arrangements Act 1985 (c. 49)

- 119. In section 1(2)(b) (meaning of “surrogate mother”, etc.), for “the...

The Child Abduction (Northern Ireland) Order 1985 (NI 17)

- 120. In Article 2(2) (interpretation), at the end of sub-paragraph (c)...
- 121. (1) Article 3 (offence of abduction of child by parent,...
- 122. (1) Article 4 (offence of abduction of child by other...
- 123. (1) The Schedule (modifications of Article 3 for children in...

The Family Law Act 1986 (c. 55)

- 124. For section 19 (jurisdiction in cases other than divorce, etc.)...
- 125. In section 20 (habitual residence or presence of child concerned)—...
- 126. (1) Section 23 (duration and variation of Part I orders)...
- 127. For section 24 (interpretation of Chapter IV) substitute the following...

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

- 128. In Article 2 (interpretation)— (a) in paragraph (2), for the...
- 129. In Article 39(1) (complaints), after sub-paragraph (d) insert the following...
- 130. In paragraph 5 of Schedule 13— (a) for sub-paragraph (1)...
- 131. For paragraph 6 of Schedule 13 substitute the following paragraph—...

The Mental Health (Northern Ireland) Order 1986 (NI 4)

- 132. In Article 32(2) (definition of “nearest relative”), for “his mother”...
- 133. For Article 33 (children and young persons in care of...
- 134. In Article 34 (nearest relative of minor under guardianship, etc.)—...
- 135. In Article 86(8) (functions of the Mental Health Commission), for...
- 136. In Article 122(1)(e) (protection of women suffering from severe mental...
- 137. In Article 127(2) (voluntary use of services by minor who...

The Adoption (Northern Ireland) Order 1987 (NI 22)

- 138. (1) Article 2(2) (interpretation) shall be amended in accordance with...
- 139. (1) In Article 2(3)— (a) for “transferring the actual custody...
- 140. (1) In Article 12 (adoption orders), for paragraphs (1) to...
- 141. For Article 14 (adoption by married couple) substitute the following...
- 142. In Article 16 (parental agreement)— (a) in paragraph (2)(c), for...
- 143. (1) In Article 17 (freeing child for adoption with parental...
- 144. (1) In Article 18 (freeing child for adoption without parental...
- 145. In Article 19(3) (progress reports to former parent), for “in...
- 146. (1) In Article 20 (revocation of order freeing child for...
- 147. For Article 21 (transfer of parental rights and duties between...
- 148. (1) In Article 22 (notification to Board or HSS trust...
- 149. In Article 25 (restrictions on making adoption orders), for paragraph...
- 150. In Article 26(1) (interim orders) for “vesting the legal custody...
- 151. (1) In Article 28 (restrictions on removal where adoption agreed...
- 152. (1) In Article 29 (restrictions on removal where applicant has...
- 153. In Article 30 (return of child taken away in breach...
- 154. (1) In Article 31 (return of children placed for adoption...
- 155. For Article 32 (application of Article 31 where child not...
- 156. (1) In Article 33 (meaning of “protected child”), after paragraph...
- 157. (1) In Article 36 (notices and information to be given...
- 158. (1) In Article 54 (disclosure of birth records of adopted...
- 159. After Article 54 insert the following Article— Adoption Contact Register...
- 160. (1) In Article 57 (adoption by persons domiciled outside Northern...
- 161. In Article 58(1) (restriction on removal of children for adoption...
- 162. After Article 58 insert the following Article— Orders made in...
- 163. (1) In Article 59 (prohibition on certain payments), in paragraph...
- 164. After Article 59 insert the following Article— Permitted allowances (1)
The Department may make regulations for the purpose of...
- 165. In Article 64(3) (appeal from county court), for “paragraphs (2)...
- 166. For Article 66 (guardians ad litem) substitute the following Articles—...
- 167. In paragraph 1 of Schedule 1 (membership of Appeal Tribunals)—...

The Disabled Persons (Northern Ireland) Act 1989 (c. 10)

- 168. In section 1(3)(b) (circumstances in which regulations may provide for...
- 169. In section 2(5) (places where authorised representative may visit disabled...
- 170. (1) In section 11(1) (interpretation)— (a) in the definition of...

Status: This is the original version (as it was originally made).

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (NI 4)

- 171. For Article 32 (declarations of legitimacy or legitimation) substitute the...
- 172. In Article 36 (supplementary provisions as to declarations), in paragraph...

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

- 173. In Article 2(2) (interpretation), in the definition of “parent or...
- 174. In Article 38(13)(a) (duties of custody officer before charge), after...

The Insolvency (Northern Ireland) Order 1989 (NI 19)

- 175. In Article 255(8) (effect of discharge of bankrupt), for the...

The Horses (Protective Headgear for Young Riders) (Northern Ireland) Order 1990 (NI 16)

- 176. In Article 3(2)(a) (causing or permitting child under 14 to...

The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991 (NI 14)

- 177. In the Schedule (accessible personal information), in paragraph 1, after...

The Child Support (Northern Ireland) Order 1991 (NI 23)

- 178. In Article 2(2) (interpretation), in the definition of “parental responsibility”,...
- 179. In Article 4(4)(c) (meaning of certain other terms), for the...
- 180. In Article 10(11) (definition of “maintenance order”), after subparagraph (d)...
- 181. In Article 27(2) (disputes about parentage)— (a) in Case C,...
- 182. In Article 28 (reference to court for declaration of parentage)—...
- 183. In Article 42(2) (jurisdiction of courts in certain proceedings), after...

The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (NI 25)

- 184. In Article 6(1)(a) (enforcement action by district councils), after “4”...

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 185. In section 139 (meaning of “person responsible for child”), in...

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- 186. In section 74 (recovery of social fund awards), for subsection...

The Housing (Northern Ireland) Order 1992 (NI 15)

- 187. In Article 52(6) (definition of “disabled person”), at the end...

The Registered Homes (Northern Ireland) Order 1992 (NI 20)

- 188. In Article 3(2) (exclusions from definition of “residential care home”),...
- 189. In Article 16(2) (exclusions from definition of “nursing home”), for...
- 190. In Article 30(1) (constitution of Registered Homes Tribunals), after “27”...

The Access to Health Records (Northern Ireland) Order 1993 (NI 4)

191. In Article 2(2) (interpretation), in the definition of “parental responsibility”...

SCHEDULE 10 — REPEALS

Explanatory Note